

Results of Brief Enforcement Hearings – April 2, 2002
Results of Enforcement Before the Full Commission – April 9, 2002

Brief Enforcement Hearings – April 2, 2002

1. **Bernardo Tuma**, Case #02-264
Results: The Respondent was found to have violated RCW 42.17.080 and 42.17.090 by failing to timely file contribution and expenditure reports.
Assessed Penalty: \$150.
2. **Sydney Locke**, Case #02-268
Results: The Respondent was found to have violated RCW 42.17.080 and 42.17.090 by failing to timely file contribution and expenditure reports.
Assessed Penalty: \$150.
3. **Nathan Herzog**, Case #02-284
Results: Due to an outdated address, the Respondent did not receive proper hearing notification. For this reason, the hearing will be rescheduled.
4. **Bob Kelly**, Case #02-290
Results: The Respondent was found to have violated RCW 42.17.240 by failing to file the statement of Financial Affairs (PDC form F-1) by April 16, 2001.
Assessed Penalty: \$200.

Enforcement Hearings Before the Full Commission – April 9, 2002

1. **Permanent Offense (a political committee), Permanent Offense, Inc. (a for-profit entity), Traffic Improvement Initiative Committee, Tim Eyman, Karen Eyman, Suzanne Karr, Monte Benham, Jack Fagan and Mike Fagan**, Case #02-281
Results: The Commission reviewed the Report of Investigation, the Exhibits to the Report of Investigation, the Amended Executive Summary and Staff Recommendations regarding Staff's complaint, and the allegations contained in Citizen Action Letters filed by Richard Smith and Knoll Lowney of the group Permanently Offended.

The Commission recommended that the Attorney General's Office move forward for what appear to be apparent multiple violations of RCW 42.17 by Suzanne Karr. The apparent violations were of RCW 42.17.120 for concealment of payments made to Tim Eyman from Permanent Offense PAC and Traffic Improvement Initiative Committee, and apparent violations of RCW 42.17.080 and 42.17.090 for failure to report in-kind contributions, orders placed, debts and obligations for Permanent Offense PAC and Traffic Improvement Initiative Committee.

The Commission also found apparent violations by Permanent Offense PAC of RCW 42.17.080 and 42.17.090 for failure to report in-kind contributions, orders placed, debts and obligations, apparent violations of RCW 42.17.065 for failure to keep adequate campaign records to substantiate reimbursements to Tim Eyman, apparent violations of RCW 42.17.040 and 42.17.050 for failure to designate and report Tim Eyman as its treasurer, and apparent violations of RCW 42.17.780 for reimbursing Tim Eyman for campaign contributions.

The Commission also found apparent violations by Tim Eyman of RCW 42.17.120 for concealing payments made to himself from Permanent Offense PAC and Traffic Improvement Initiative Committee through Permanent Offense, Inc., apparent violations of RCW 42.17.125 for using Permanent Offense PAC campaign funds to pay expenses for Insignia Corporation as well as his own personal expenses, apparent violations of RCW 42.17.065 for failure to keep adequate campaign records to substantiate reimbursements to himself, apparent violations of RCW 42.17.080 and 42.17.090 for failure to report in-kind contributions Permanent Offense, Inc. provided to Permanent Offense PAC, and apparent violations of RCW 42.17.780 for reimbursing himself with Permanent Offense PAC funds for campaign contributions.

Given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Attorney General's Office for appropriate action.

The Commission further ordered that if the Attorney General's Office declines to pursue legal action based upon the above referenced apparent violations or does not enter into a settlement, that portion of the case not addressed by the Attorney General's Office is to be returned to the Public Disclosure Commission for further consideration.

The Commission recommended that the Office of the Attorney General take no further action regarding Monte Benham, Mike Fagan, Jack Fagan, Karen Eyman, because Staff's investigation revealed no evidence that they personally violated the provisions of chapter 42.17 RCW. In addition, The Commission recommended that the Office of the Attorney General take no further action against Traffic Improvement Initiative Committee since the committee filed its final report on December 11, 2000. PDC Staff withdrew its allegation that Permanent Offense, Inc. failed to register and report as a political committee and the Commission made no recommendation concerning other activities of Permanent Offense, Inc.

2. **National Education Association (NEA), Case #02-282**

Results: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen's action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington's County Prosecutors' Offices. The complaint alleged violations by the NEA's Ballot Measure/Legislative Crisis and Media Campaign Fund of RCW 42.17.040 et. seq (failure to register as a political committee), violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee) and violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff's findings and recommendation.

However, in light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff's recommendation that it take no action in this case.

3. **Jim Downs, Case #02-280**

Results: The Commission found that the Respondent violated RCW 42.17.130 by authorizing the use of facilities and equipment of the City of SeaTac Fire Department for a campaign photo shoot in which Geoff Simpson (a candidate for state Representative) used City of SeaTac firefighting clothing and equipment, including a fire truck, and on-duty employees of the City of SeaTac.

Assessed Penalty: \$1,000, to be paid with non-public funds.